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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,167	07/15/2003	Suman Chopra	IR6685-00	9482

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EXAMINER

ARNOLD, ERNST V

ART UNIT PAPER NUMBER

1616

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,167	CHOPRA ET AL.	
	Examiner	Art Unit	
	Ernst V. Arnold	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/04, 02/02/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The Examiner acknowledges receipt of application number 10/620,167 filed on 07/15/2003. Claims 1-15 are pending and are presented for examination on the merits.

The Examiner notes that a space should be between "b" and "+" on line 35 of instant claim 1. The Examiner notes that the variables R^{10} , R^{16} , R^{19} , R^{23} , R^{25} , and R^{33} - R^{36} are not recited as variables in the range of R^1 - R^{39} , which is unusual but did not hinder the examination of the claims. On page 3, line 18 of instant claim 1, the claim recites " R^{38} and R^{39} may be alike or different". The Examiner suggests that "alike" be changed to ---the same---.

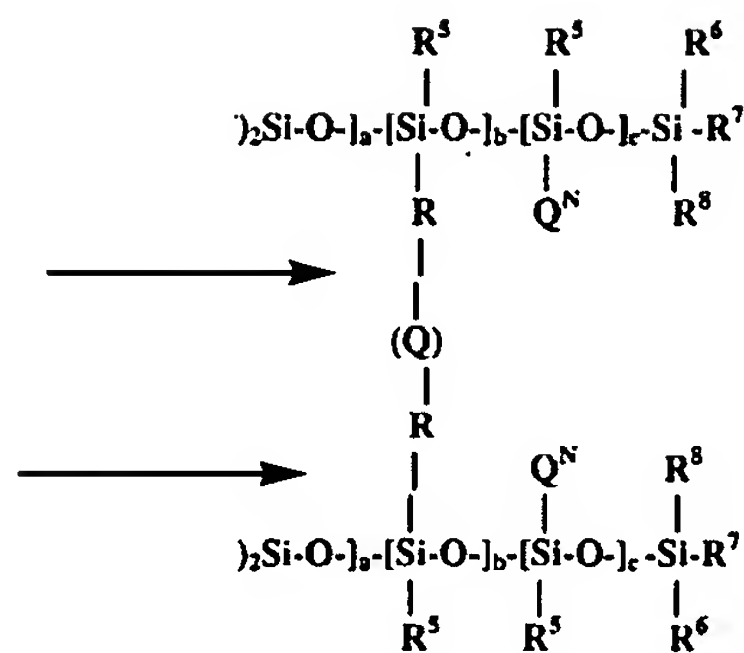
Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

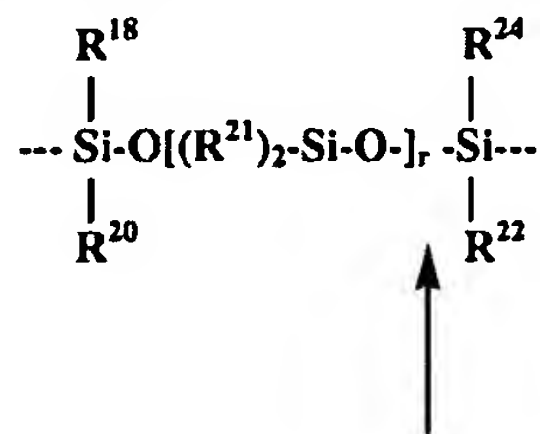
Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Instant claim 1 has numerous issues that render the claim indefinite.

- 1). There are two broken bonds in Formula I that make the structure indefinite.

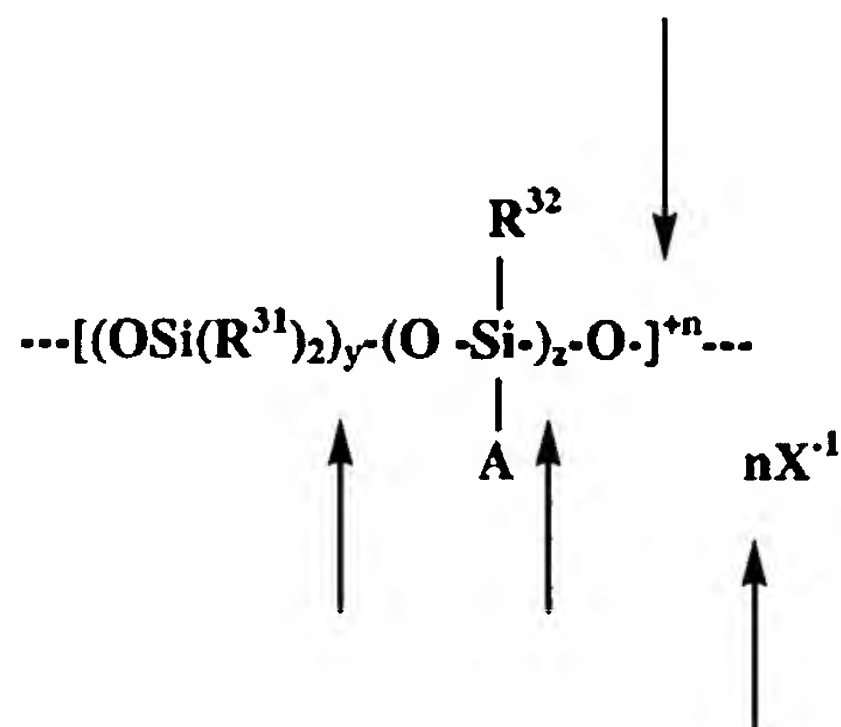


2) In Formula VB, "r" is not defined in the claim text.

and Q^{1B} of Formula VB:



3) In the formula for Q', the variables "y", "z", "+n" and "nX⁻¹" are not defined in the claim text.



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For purposes of examination, the Examiner has interpreted instant claim 1 as if: 1)

Formula 1 did not have broken bonds; 2) "r" is at least 1; 3) variables "y", "z", "+n" and

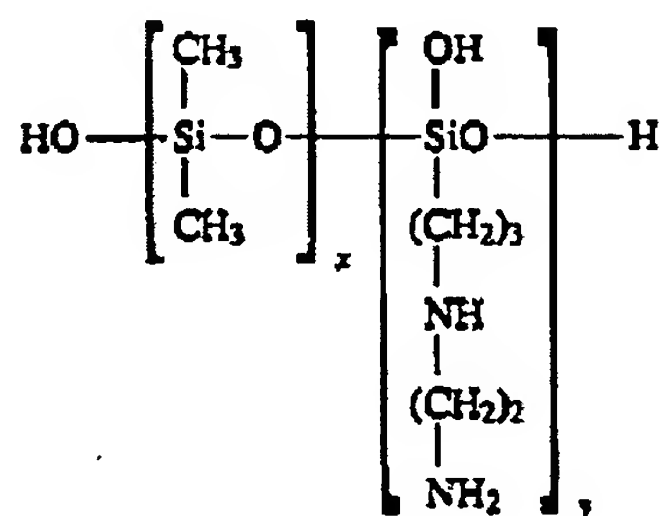
"n"X⁻¹ are positive integers.

Claims 2-15 are rejected as being indefinite for being dependent on an indefinite base claim.

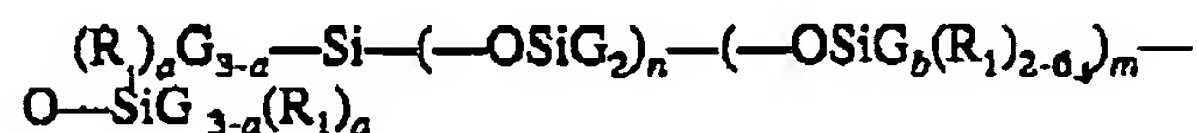
Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Claims 1-15 have been found free of the prior art. The prior art does not teach alone or in combination the quaternary amino silicone elastomer of the instant invention.

Hughes (US 5,567,428) teaches amino silicones of the following structure:



and quaternary amino silicones of the following structure:



in which G is chosen from the group consisting of hydrogen, phenyl, OH, C₁-C₈ alkyl and preferably methyl; a denotes 0 or an integer from 1 to 3, and preferably equals 0;

b denotes 0 or 1 and preferably equals 1; the sum n+m is a number from 1 to 2,000 and preferably from 50 to 150, n

and

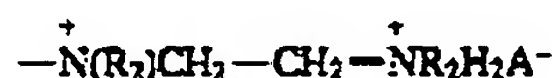
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being able to denote a number from 0 to 1,999 and preferably from 49 to 149 and m being able to denote an integer from 1 to 2,000 and preferably from 1 to 10;

R₁ is a monovalent radical of formula C_qH₂L in which q is an integer from 2 to 8 and L is chosen from the groups



0



which do not suggest the instant quaternary amino crosslinked silicone elastomer.

Fridd et al. (US 4,601,902) discloses quaternary amino silanes of the general formula:



which do not suggest the instant quaternary amino crosslinked silicone elastomer.

Therefore, the instant quaternary amino crosslinked silicone elastomer is deemed free of the prior art.

Conclusion

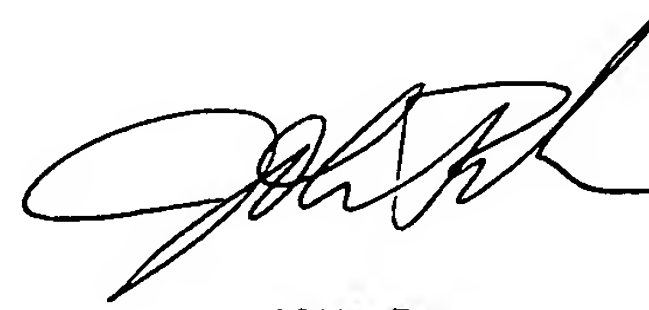
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernst V. Arnold whose telephone number is 571-272-8509. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EVA



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GROUP 1600